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DIN 11-01

Paper No. 4

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COPY MAILED**NOV 15 2001****OFFICE OF PETITIONS:**

In re Application of :
Kinney et al. :
Application No. 09/901,553 : DECISION GRANTING PETITION
Filed: 6 July, 2001 :
Attorney Docket No. 09163-20801 :
:

This is a decision on the petition filed on 1 October, 2001, requesting that the above-identified application, including Pages 49-50 of the specification, be accorded a filing date of 6 July, 2001.

The application was filed on 6 July, 2001. On 4 September, 2001, Initial Patent Examination Division mailed a "Notice to File Corrected Application Papers" stating, *inter alia*, that Pages 49 and 50 of the specification appeared to have been omitted.

In response, the present petition was filed on 1 October, 2001. Petitioners assert that Pages 49 and 50 of the specification were filed with the other application papers on 6 July, 2001, but later misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 1 October, 2001. The postcard receipt itemizes the filing of, *inter alia*, 53 pages of specification and contains an Office-date stamp bearing the above-identified application number and the date of 6 July, 2001. Petitioners request that the application, including Pages 49 and 50 of the specification, be accorded a filing date of 6 July, 2001.

Based on the evidence present in the file, it is concluded that pages 49 and 50 of the specification were filed on 6 July, 2001, but were subsequently misplaced in the Office.

The "Notice" mailed on 4 September, 2001, was sent in error and is withdrawn to the extent that it stated that pages 49 and 50 of the specification appeared to have been omitted.

The petition is granted.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 6 July, 2001, using the application papers filed on 6 July, 2001, and the copy of Pages 49 and 50 of the specification supplied on 1 October, 2001.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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for Patent Examination Policy